

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 33
FREEDOM OF CHOICE OF DENTURES ACT

54-3301. STATUTORY INTENT. This statute is enacted to promote competence and excellence in the providing of prosthetic dental appliances and services related thereto to the public at reasonable costs.

[54-3301, added Init Measure 1982 No. 2, sec. 1; am. 1983, ch. 194, sec. 1, p. 528.]

54-3302. SHORT TITLE. This act shall be known as the "Idaho Freedom of Choice of Dentures Act".

[54-3302, added Init Measure 1982 No. 2, sec. 2; am. 1983, ch. 194, sec. 1, p. 528.]

54-3303. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

- (a) "Board" means the state board of denturistry.
- (b) "Denture" means any removable full upper or lower prosthetic dental appliance to be worn in the human mouth.
- (c) "Denturist" means a person licensed under this chapter to engage in the practice of denturistry.
- (d) "Practice of denturistry" means:
 - (1) the making, fitting, constructing, altering, reproducing or repairing of a full upper or lower removable prosthetic denture, the repairing of a removable partial upper or lower prosthetic denture, the furnishing or supplying of such a denture directly to a person or advising the use of any such denture;
 - (2) the taking or making, or the giving of advice, assistance or facilities respecting the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of making, constructing, fitting, furnishing, supplying, altering, repairing or reproducing any such full upper or lower removable prosthetic denture;
 - (3) the practice of denturistry within the context of this chapter requires that all work except cast frame work or work required to meet the needs of the homebound be performed on the licensee's premise.

[54-3303, added Init Measure 1982 No. 2, sec. 3; am. 1983, ch. 194, sec. 1, p. 528; am. 1988, ch. 133, sec. 1, p. 238.]

54-3304. LICENSE TO PRACTICE REQUIRED. From and after April 1, 1983, a person must hold a license for the practice of denturistry in order to perform the following acts:

- (a) Engage or offer to engage, in the practice of denturistry; or
- (b) Use in connection with his/her name the word "denturist" or any other words, letters, abbreviations or insignia implying that such person is engaged in the practice of denturistry.

[54-3304, added Init Measure 1982 No. 2, sec. 4; am. 1983, ch. 194, sec. 1, p. 529.]

54-3305. EXCEPTIONS. The prohibitions of this chapter do not apply to:

- (a) a person interning under the supervision of a denturist;
- (b) the practice of dentistry or medicine by persons authorized to do so by this state;
- (c) a student of denture technology in pursuit of clinical studies under an approved school program;
- (d) a denture technician, as defined by board rule, performing services under the direction of a licensed denturist or licensed dentist when the service does not involve contact with the intended user.

[54-3305, added Init Measure 1982 No. 2, sec. 5; am. 1983, ch. 194, sec. 1, p. 529; am. 1988, ch. 133, sec. 2, p. 238.]

54-3306. PROHIBITED ACTIVITIES. Prohibitions on activities of licensed denturists:

- (a) He/she will not perform procedures which would alter any oral tissues or natural teeth.
- (b) He/she will not insert or fit immediate dentures in the mouth of the intended wearer.
- (c) He/she will not diagnose or treat any abnormalities of any human mouth.
- (d) He/she will not prescribe any drugs or treatment for any oral or medical diseases.
- (e) He/she will not construct or fit orthodontic appliances.

[54-3306, added Init Measure 1982 No. 2, sec. 6; am. 1983, ch. 194, sec. 1, p. 529.]

54-3307. BOARD -- MEMBERS -- VACANCIES. (a) There is hereby created a state board of denturistry of the state of Idaho, which shall consist of five (5) members. Three (3) members of the board shall be persons who have been nominated by the association of Idaho denturists, inc. and by any individual residing in this state, who have had at least five (5) years continuous experience immediately prior to their nomination in the practice of denturistry. Two (2) other members of the board shall be lay persons nominated by the director of the Idaho department of health and welfare or by any individual residing in this state.

(b) Members shall be appointed to the board for terms of three (3) years each and shall serve at the pleasure of the governor. Appointments to fill vacancies shall be for the unexpired term of such vacancies.

(c) Appointments to the board shall be made by the governor and each member of the board shall hold office for his term and until his successor is duly appointed by the governor.

[54-3307, added 1982, Init. Meas. No. 2, sec. 7; am. 1983, ch. 194, sec. 1, p. 529; am. 2016, ch. 340, sec. 37, p. 957.]

54-3308. OFFICERS -- MEETINGS -- VOTING -- RECORDS -- COMPENSATION -- FAIR PRACTICE COMMITTEE. (a) The board shall organize by the election of one (1) of its members as president, one (1) of its members as secretary, and one (1) of its members as treasurer; provided, that the offices of secretary and treasurer may be held by one (1) person. Officers of the board shall be elected for terms of one (1) year at the annual meeting of the board, but the

same person may not hold the office of president for more than three (3) years in succession.

(b) The board shall meet at least annually to conduct its business and perform its duties, and shall meet at such other times as designated by the president or by request of two (2) or more members of the board.

(c) A majority of the board shall constitute a quorum for all purposes, and the majority vote of the members voting shall constitute the action of the board.

(d) The secretary of the board shall keep a complete record of all of its proceedings.

(e) Denturist members of the board shall be compensated as provided in section [59-509\(b\)](#), Idaho Code, for attending meetings of the board or for performing duties prescribed by this chapter and approved by the board; provided, the lay members shall be compensated as provided in section [59-509\(n\)](#), Idaho Code.

(f) The board shall appoint a fair practice committee consisting of three (3) denturists selected from the membership of the association of Idaho denturists. This committee will meet as need arises and shall file a written report with the board on the decisions made.

[54-3308, added Init Measure 1982 No. 2, sec. 8; am. 1983, ch. 194, sec. 1, p. 530; am. 2010, ch. 121, sec. 1, p. 268.]

54-3309. BOARD POWERS AND DUTIES. The board shall have the following powers and duties:

(a) To determine the qualifications of persons applying for licenses under this chapter;

(b) To prescribe, administer and determine examinations and a passing grade for licenses under this chapter;

(c) To collect and adjust fees and charges prescribed in this chapter to cover the operating expenses of the board as may become necessary from time to time;

(d) To issue licenses for the practice of denturistry under the conditions prescribed in this chapter;

(e) To revoke or suspend denturists' licenses in the manner prescribed by this chapter;

(f) To administer oaths and subpoena witnesses for the purpose of carrying out the activities authorized under this chapter;

(g) To make rules and regulations pursuant to [chapter 52, title 67](#), Idaho Code, to carry out the intents and purposes of this chapter;

(h) To appoint committees and chairpersons and to delegate responsibilities to them as the need arises from time to time;

(i) To authorize, by written agreement, the bureau of occupational licenses to act as agent in its interest.

[54-3309, added Init Measure 1982 No. 2, sec. 9; am. 1983, ch. 194, sec. 1, p. 530.]

54-3310. APPLICATION FOR LICENSE. Upon application and payment of the appropriate fee, the board shall issue a license to practice denturistry to any applicant who meets one (1) of the following criteria:

(a) Applications filed prior to April 1, 1983: Applicants must furnish two (2) signed affidavits by persons other than family members (or other evidence as may be prescribed by the board) that he/she has been employed for

at least five (5) years prior to application in denture technology and is able to demonstrate competency in intra-oral procedures, and has successfully completed courses accredited by the board in head and neck anatomy and oral pathology; and has been a resident of the state of Idaho for six (6) months prior to the filing of the application.

(b) Applications filed on or after April 1, 1983: Applicants must satisfactorily complete the examinations established by the board pursuant to this chapter; and have completed formal training of not less than two (2) years duration at an educational institution accredited by a national or regional accrediting agency recognized by the Idaho state board of higher education, the curriculum of which includes courses in oral pathology, physiology, head and oral anatomy, clinical microbiology, clinical jurisprudence, asepsis, and first aid for minor office emergencies; and have completed at least two (2) years internship under the supervision of a licensed denturist or have equivalent experience as established by board rule prior to the filing of the application.

[54-3310, added Init Measure 1982 No. 2, sec. 10; am. 1983, ch. 194, sec. 1, p. 531.]

54-3311. EXAMINATIONS. The board shall administer the examinations for licensing, subject to the following requirements:

(a) Examinations shall be of such character as to determine the qualifications, fitness and ability of the applicant to practice dentistry, with the form of the test to be written, oral, or a practical demonstration of skills, or such combination of the three (3) as the board may prescribe.

(b) The examination shall include coverage of the following subjects:

- (1) Head and oral anatomy;
- (2) Oral pathology;
- (3) Physiology;
- (4) Clinical dental technology;
- (5) Dental laboratory technology;
- (6) Microbiology;
- (7) Clinical jurisprudence;
- (8) Asepsis;
- (9) First aid for minor office emergencies.

[54-3311, added Init Measure 1982 No. 2, sec. 11; am. 1983, ch. 194, sec. 1, p. 531.]

54-3312. FEES. The board shall be entitled to charge and collect the following fees subject to adjustment as prescribed by section [54-3309](#)(c), Idaho Code:

(a) An application fee (which shall include the cost of an examination when required) of not to exceed three hundred dollars (\$300);

(b) An initial license fee of not to exceed three hundred dollars (\$300);

(c) A renewal fee of not to exceed one thousand dollars (\$1,000).

[54-3312, added Init Measure 1982 No. 2, sec. 12; am. 1983, ch. 194, sec. 1, p. 531; am. 1988, ch. 133, sec. 3, p. 239; am. 2010, ch. 121, sec. 2, p. 269.]

54-3313. LICENSING. A denturist license shall be valid for a period of one (1) year, whereupon a renewal license will be issued upon payment of the renewal fee and the submission of proof of the completion of not less than twelve (12) hours continuing education accredited by the board during the one (1) year immediately preceding the date of application for renewal. The license shall bear on its face the address where the licensee's denturist services will be performed.

[54-3313, added Init Measure 1982 No. 2, sec. 13; am. 1983, ch. 194, sec. 1, p. 532; am. 1988, ch. 133, sec. 4, p. 239; am. 2003, ch. 21, sec. 16, p. 89.]

54-3314. SUSPENSION OR REVOCATION OF LICENSE. (a) After providing an opportunity for an appropriate contested case in accordance with the provisions of [chapter 52, title 67](#), Idaho Code, the board shall have the power to refuse to issue a license, suspend or revoke a license, or place a licensed person on probation for a period specified by the board and subject to such conditions as the board shall impose, or reprimand or censure a licensee for any of the following causes:

- (1) Conviction, finding of guilt, receipt of a withheld judgment or suspended sentence in this or any other state of a felony or of any other crime where such crime bears a demonstrable relationship to the practice of denturistry.
- (2) Incompetence or gross negligence in the practice of denturistry.
- (3) Fraud or misrepresentation in the practice of denturistry.
- (4) Use of any narcotic or dangerous drug or intoxicating liquor to an extent that such use impairs the ability to conduct safely the practice of denturistry.
- (5) The violation of any provision of this chapter or rules adopted thereunder.

(b) The board shall have the power to examine and inspect the place of business of any licensed denturist at a reasonable time and in a reasonable manner to assure compliance with this chapter.

(c) The board shall have the right to establish standards of conduct and practice, and the power to enforce such standards with monetary penalties and/or revocation or suspension of license.

[54-3314, added Init Measure 1982 No. 2, sec. 14; am. 1983, ch. 194, sec. 1, p. 532; am. 1988, ch. 133, sec. 5, p. 239; am. 1993, ch. 216, sec. 89, p. 662.]

54-3315. REVOCATION OF LICENSE STAYS ELIGIBILITY. A denturist whose license has been revoked either by the Idaho board of denturistry or the similar body of another state, shall not be eligible to apply for a license until one (1) year after the date of revocation.

[54-3315, added Init Measure 1982 No. 2, sec. 15; am. 1983, ch. 194, sec. 1, p. 532.]

54-3316. RENEWAL OR REINSTATEMENT OF LICENSE. All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

[54-3316, added Init Measure 1982 No. 2, sec. 16; am. 1983, ch. 194, sec. 1, p. 532; am. 2003, ch. 21, sec. 17, p. 89.]

54-3317. DISPOSITION OF RECEIPTS. All moneys received under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational license account and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from said account. In no instance will the occupational license account be obligated to pay any claims which in aggregate with claims already paid exceed the income to the occupational license account which has been derived by the application of this chapter.

[54-3317, added Init Measure 1982 No. 2, sec. 17; am. 1983, ch. 194, sec. 1, p. 533.]

54-3318. DENTAL HEALTH INSURANCE POLICIES TO INCLUDE DENTURIST'S SERVICES. Notwithstanding any provisions of any policy of insurance covering dental health, whenever such policy provides for reimbursement for any service which is within the lawful scope of practice of a denturist, the insured under such policy shall be entitled to reimbursement for such service, whether the service is performed by a licensed dentist or a licensed denturist. This section shall apply to any policy covering dental insurance which is issued after January 1, 1983. Policies which are in existence on January 1, 1983, shall be brought into compliance on the next anniversary date, renewal date, or the expiration date of the applicable collective bargaining contract, if any, whichever date is latest.

[54-3318, added Init Measure 1982 No. 2, sec. 18; am. 1983, ch. 194, sec. 1, p. 533.]

54-3319. VIOLATION A MISDEMEANOR. Violation of any provision of this chapter shall constitute a misdemeanor.

[54-3319, added Init Measure 1982 No. 2, sec. 19; am. 1983, ch. 194, sec. 1, p. 533.]

54-3320. NOTICE OF BOARD ADDRESS -- PROHIBITED ACTIVITIES -- GUARANTEE ON SERVICES. (a) There shall be posted in a conspicuous area on any premises where the practice of denturistry is carried on, a notice with lettering of a size easily read by the average person and in substantially the following form:

ANY CONSUMER WHO HAS A COMPLAINT RELATING TO PRACTICES OF THIS ESTABLISHMENT MAY CONTACT THE IDAHO BOARD OF DENTURITRYaddress..... with a copy to THE BUREAU OF OCCUPATIONAL LICENSINGaddress.....

(b) No person licensed under the provisions of this chapter shall directly or indirectly:

- (1) make any payment or gift to a person who has referred a patient;
- (2) receive or accept any rebate, payment or gift from any person to whom a patient is referred; or
- (3) engage in any form of fee-splitting or other form of sharing of remuneration, with respect to referrals.

(c) All denturist services will be unconditionally guaranteed for a period of not less than ninety (90) days.

[54-3320, added Init Measure 1982 No. 2, sec. 20; am. 1983, ch. 194, sec. 1, p. 533.]

54-3321. JUDICIAL REVIEW OF BOARD ACTION. Any person who shall be aggrieved by any action of the board in denying, refusing to renew, suspending or revoking a denturist license may seek judicial review thereof in accordance with the provisions of [chapter 52, title 67](#), Idaho Code. A copy of the petition for judicial review shall be served upon the president or secretary of the board with notice to the attorney general of the state of Idaho.

[54-3321, added Init Measure 1982 No. 2, sec. 21; am. 1983, ch. 194, sec. 1, p. 534; am. 1993, ch. 216, sec. 90, p. 662.]

54-3322. SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter shall supersede and take precedence over any conflicting provisions contained in [chapter 9, title 54](#), Idaho Code, concerning the practice of dentistry.

[54-3322, added Init Measure 1982 No. 2; am. 1983, ch. 194, sec. 1, p. 534.]

54-3323. INJUNCTION PROCEDURE. Whenever any person, corporation, partnership or association of any kind or nature violates any of the provisions of this act, the board, without regard to criminal prosecution, may maintain an action in the name of the state of Idaho to enjoin said person, corporation, partnership or association from any further violations, such action to be brought either in the county in which said acts are claimed to have been or are being committed, in the county where the defendant resides, or in Ada county. Upon the filing of a verified complaint in the district court, the court, if satisfied that the acts complained of have been or probably are being or may be committed, may issue an injunction pendente lite without bond, on request of the board, enjoining the defendant from the commission of any such act or acts constituting said violations. A copy of said complaint shall be served upon the defendant, and the proceedings shall thereafter be conducted as in any other similar civil action. If the commission of said act or acts be established, the court shall enter a decree perpetually enjoining said defendant from committing said act or acts. In case of violation of any injunction issued under the provisions of this section, the court, or the judge thereof at chambers, may summarily try and punish the offender for his contempt of court.

[54-3323, added 1988, ch. 133, sec. 6, p. 240.]

CHAPTER 34 COUNSELORS AND THERAPISTS

54-3400. LEGISLATIVE FINDINGS. The practice of counseling and marriage and family therapy in the state of Idaho is hereby declared to affect the public health, safety and welfare, and to be subject to regulation and control in the public interest to protect the public from the unprofessional, improper, unauthorized and unqualified practice of counseling or marriage and

family therapy, and from unprofessional conduct by persons licensed to practice counseling or marriage and family therapy. This chapter should be construed liberally to carry out these objectives and purposes.

[54-3400, added 1998, ch. 413, sec. 1, p. 1302; am. 2012, ch. 68, sec. 1, p. 191.]